

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
COLUMBIA DIVISION**

BRIAN JERMAINE DODSON,)	
)	
Petitioner,)	
)	
v.)	NO. 1:16-cv-00060
)	CHIEF JUDGE CRENSHAW
CHERRY LINDAMOOD,)	
)	
Respondent.)	

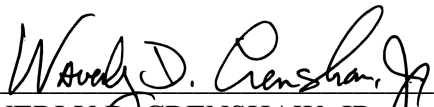
ORDER

Before the Court in this habeas corpus case is the Magistrate Judge’s Report and Recommendations (Doc. No. 61) concerning Petitioner’s Emergency Motion for Immediate Medical Treatment and Neurological Examination. The Magistrate Judge concludes that, based upon governing precedent, the Emergency Motion raises an Eighth Amendment/conditions of confinement constitutional claim that must be brought in a Section 1983 action rather than ancillary to a habeas corpus claim. (Id. at 2-3.)

The Petitioner has not filed any Objections. Regardless, the Court has conducted a de novo review and concludes that the Magistrate Judge’s analysis is correct.¹ Accordingly, the Report and Recommendation (Doc. No. 61) is **APPROVED AND ADOPTED**. The Emergency Motion (Doc. No. 54) is **DENIED WITHOUT PREJUDICE** to renewal of the claim in a Section 1983 case. This matter is returned to the Magistrate Judge under the existing referral.

¹ In the Emergency Motion, Petitioner explicitly acknowledges that the Court’s “authority under 42 U.S.C. §1983” could “provide [Petitioner] relief under the circumstances.” (Doc. No. 54 at 7.)

IT IS SO ORDERED.



WAVERLY D. CRENSHAW, JR.
CHIEF UNITED STATES DISTRICT JUDGE